

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>SEAN JENKINS</b>	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 5:23-cv-05115-JMG
	:	
<b>CIOCCA MANAGEMENT, INC.</b>	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 9<sup>th</sup> day of January, 2025, upon consideration of Defendant's Motion for Summary Judgment (ECF No. 19) and Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (ECF No. 20), **IT IS HEREBY ORDERED** that Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion (ECF No. 19) is **GRANTED** as to Plaintiff's Section 1981 claim under the mixed-motive theory.
2. Defendant's Motion (ECF No. 19) is **DENIED WITHOUT PREJUDICE** as to Plaintiff's Title VII Discrimination claims under the mixed-motive theory.
3. In all other respects, Defendant's Motion (ECF No. 19) is **DENIED**.

BY THE COURT:

/s/ John M. Gallagher  
JOHN M. GALLAGHER  
United States District Court Judge